

Application No. 10/675,711
Amendment dated April 19, 2005
Reply to Office Action of February 17, 2005

REMARKS:**Status Of Claims**

Claims 1-6, 8-14, 16-28, 30-36, and 38-42 were previously pending. Claims 1, 32, and 42 have been amended. Thus, claims 1-6, 8-14, 16-28, 30-36, and 38-42 are currently pending in the application with claims 1, 11, 18, 25, 32, and 42 being independent.

Office Action

In the office action, the Examiner rejected claims 1-4, 8-13, 16-22, 25-27, 30-33, 36, 38, 39, 41, and 42 under 35 U.S.C. 102(e) as being anticipated by Smith, U.S. Patent No. 6,603,405. The Examiner also rejected claims 5, 14, 23, and 34 under 35 U.S.C. 103(a) as being unpatentable over Smith. The Examiner also rejected claims 6, 24, 28, 35, and 40 under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Tate, U.S. Patent No. 6,509,833. Applicant respectfully submits that the currently pending claims distinguish the present invention from Smith, Tate, and the other prior art references of record, taken alone or in combination with each other.

Specifically, claims 1, 11, 18, and 25 each recite "performing a routing algorithm to calculate a route". As stated beginning on page 8 and continuing through page 9 of the present specification, the "processor 212 can execute a navigational program (e.g., a set of computer executable instructions) operable to perform a routing algorithm to calculate a route between at least two of a number of waypoints". More specifically, the "[p]rocessor 212 can operate on the routing algorithm to plot a route between the present position, as

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determined by GPS receiver 242, and the selected position". The selected position is a destination provided by, or on behalf of, a user. For example, "[i]n one embodiment, the starting point and the destination point of the route are determined and set by the user of navigation device 210". Thus, the present invention actually receives the destination from the user, determines its own starting point using the GPS receiver, and calculates a route from the starting point to the destination. Finally, the present invention compares the route to the weather signals in order to determine if generation of a weather alert is warranted.

In contrast, Smith does not disclose calculating any route. Rather, Smith relies on a route provided by a vehicle operator. Specifically, as disclosed in column 33, lines 39-48:

In one embodiment, weather center 101 is coupled to one or more trip planning web sites 106, which allow vehicle operators to pre-register with the system and to optionally file trip plans, similar in nature to so-called "flight plans" that are filed by pilots. In this embodiment, described in more detail herein, vehicle operators provide information regarding the identity of the vehicle, the intended starting point and destination, and route information (e.g., which highways will be traversed), and this information is stored in weather center 101 for tracking purposes.

Alternatively, as disclosed in columns 7 and 8, Smith can interpolate successive locations, in order to determine the vehicle's path. "For example, if a vehicle has moved between two latitude/longitude points within a certain period of time, the computer can calculate a predicted heading and velocity based on these two points and the elapsed time between the points." Column 8, lines 7-10.

However, Smith simply discloses no capability to *calculate* any route. Therefore, Smith is forced to compare a route provided by a vehicle operator or an interpolated path,

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rather than a calculated route, with locations of dangerous situations. As a result, Smith simply does not disclose, suggest, or make obvious "performing a routing algorithm to calculate a route", which is then compared to weather signals in order to determine if generation of a weather alert is warranted, as claimed in claims 1, 11, 18, 25.

Similarly, claim 32 recites "wherein the processor is operable to perform a routing algorithm to calculate a route", "wherein the processor is operable to compare the ... route with the location information of the one or more weather signals", and "generate an alert for a weather alert based on the comparison". It should be noted that the same processor performs the routing calculation and compares the route with the weather signal locations and that processor is part of the navigation device, rather than a centralized weather center.

In contrast, as discussed above, Smith simply does not disclose, suggest, or make obvious "wherein [any] processor is operable to perform a routing algorithm to calculate a route". Furthermore, Smith's weather center, which is located remotely from the vehicle and/or navigation device, is what compares vehicle positions to weather signals in order to determine if a weather alert is warranted. As discussed above, with respect to claims 1, 11, 18, and 25, Smith's weather center receives weather information from various service providers, location information from a vehicle and/or operator, and then determines whether to alert the vehicle to potential weather problems. Thus, Smith does not disclose, suggest, or make obvious "wherein the processor is operable to perform a routing algorithm to calculate a route", "wherein the processor is operable to compare the ... route

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with the location information of the one or more weather signals", and "generate an alert for a weather alert based on the comparison", as claimed in claim 32.

Claim 42 now recites "receiving in a navigation device indication from a user of a destination", "determining in the navigation device at least one heading from the starting point to the destination", and "determining in the navigation device if any of the adverse weather conditions are expected to be encountered along the heading from the starting point to the destination".

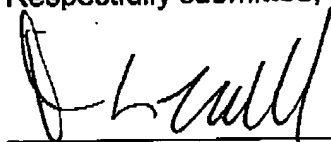
In contrast, Smith discloses only the operator providing a destination to the weather center, rather than any navigation device. Furthermore, as discussed above, Smith discloses only the weather center determining the vehicle's heading, rather than any navigation device. Finally, Smith discloses only the weather center determining if adverse weather may be expected, rather than any navigation device. Therefore, Smith can hardly suggest a navigation device capable of all three. In fact, Smith's teaching, as a whole, is to create business around a central weather center providing weather alerts, for a fee, and therefore teaches away from each vehicle having its own navigation device with such capability. Thus, Smith simply does not disclose, suggest, or make obvious "receiving in a navigation device indication from a user of a destination", "determining in the navigation device at least one heading from the starting point to the destination", and "determining in the navigation device if any of the adverse weather conditions are expected to be encountered along the heading from the starting point to the destination", as claimed in claim 42.

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The remaining claims all depend directly or indirectly from independent claims 1, 11, 18, 25, and 32, and are therefore also allowable. Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 501-791. In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Respectfully submitted,

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